

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

03-CR-6033L

v.

TOMMY HARDY,

Defendant.

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Three defendants are charged in this indictment. On August 19, 2005, the Government orally moved to sever the case against defendant Tommy Hardy ("Hardy") because of a *Bruton* issue.<sup>1</sup> The Government intends to offer a statement at trial made by Hardy which implicates one of his co-defendants. The Government's motion is granted, and the trial of Tommy Hardy will be severed from the trial of the remaining two defendants. Trial concerning Hardy is scheduled for September 23, 2005.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
August 19, 2005.

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<sup>1</sup>*Bruton v. United States*, 391 U.S. 123 (1968).

